

Nancy Curry, Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
IN RE: BELLO, ROSITA	CASE NO. 2:22-bk-14943-WB CHAPTER 13 TRUSTEE’S OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307 DATE: November 16, 2022 TIME: 10:00 AM COURTROOM: 1375 255 East Temple Street Los Angeles, CA 90012

The Chapter 13 Standing Trustee hereby objects to the confirmation of the proposed plan because the Debtor has failed to meet all necessary requirements as detailed in the attached declaration and supporting Exhibit A.

THE FAILURE OF THE DEBTOR, OR THE ATTORNEY REPRESENTING THE DEBTOR, TO RESPOND TO THESE OBJECTIONS, APPEAR AT THE CONFIRMATION HEARING AND FAILURE TO PRESENT EVIDENCE THAT ALL REQUIRED PAYMENTS ARE CURRENT MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

Therefore, the Trustee respectfully requests that confirmation of the plan be denied and for such other relief as the Court may deem appropriate.

DATED: November 2, 2022

/s/ Nancy Curry
Chapter 13 Standing Trustee

DECLARATION OF SEAN O'HAIR

I, SEAN O'HAIR, declare as follows:

1. Nancy Curry is the Chapter 13 Standing Trustee in this matter:

BELLO, ROSITA, 2:22-bk-14943-WB

I am employed by the Trustee as a staff attorney and am duly qualified to make this declaration. The Trustee has files and records kept by her office in the regular course of business. I have personally reviewed the files and records kept by her office in the within case. The following facts are true and correct within my own personal knowledge and I could and would testify competently thereto if called upon to do so.

2. I object to the confirmation of the proposed Plan because of the specific deficiencies which are set forth in the attached Exhibit A which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on November 2, 2022.

DATED: November 2, 2022

/s/ Sean O'Hair
Sean O'Hair

Debtor: Rosita Bello
Case No.: 2:22-bk-14943-WB §341(a): 10/20/2022 Debtor attorney: Matthew D. Resnik

EXHIBIT A

Other issues may arise at or before confirmation requiring additional action or information by the debtor and counsel.

The trustee objects to any provision of the plan that fails to comply with the provisions of the bankruptcy code and rules, including provisions related to plan duration

Payments are not current

Plan payments are not current, LBR 3015-1 (k).

Declaration attesting that all deed of trust (mortgage) payments are current has not been filed, LBR 3015-1(m).

Feasibility

The Plan is infeasible [11 USC §1325(a)(6)] because:

Scheduled income and expenses result in less than what is required to fund the Plan. The scheduled monthly surplus is \$552 per month whereas the plan payment is \$3,432.20.

The Plan

Debtor's proposed plan fails to provide for treatment of Class 5 claims in Section I(B)(1) of the Plan.

Debtor has proposed the plan as a motion to avoid a lien but no evidence is attached.

Income

The Debtor has failed to timely (7 days before the §341(a) debtor examination) provide:

(1) Filed Declaration of Contribution to Chapter 13 Plan (F3015-1.09) with contributor's proof of income. [LBR 3015-1(c)(3)]

(2) Documentation of rental income (such as bank statements reflecting rental income deposits).

(3) Complete copies of Federal and State Income Tax Returns, including W-2s, 1099s (or other supporting documentation) for the following years: 2020—2021 [11 USC §521(e)(2), LBR 3015-1(c)(3)].

Miscellaneous

Debtor has failed to file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period prior to the filing of the petition. [11 USC § 1308(a); § 1325(a)(9)]

Debtor has failed to file the Declaration RE Filing of Tax Returns and Payment of Domestic Support Obligations.

PROOF OF SERVICE DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify) **TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 2, 2022, I checked the CM/ECF document for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

2. SERVED BY UNITED STATES MAIL: On November 2, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

BELLO, ROSITA

RAYMOND PEREZ

6128 GALLANT STREET
BELL GARDENS, CA 90201

11445 PARAMOUNT BLVD., #A
DOWNEY, CA 90241-

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on November 2, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission, and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Julia Brand
U.S. Bankruptcy Court
Bin outside of Suite 1382
255 East Temple Street
Los Angeles, CA 90012

I declare under penalty of perjury that the laws of the United States that the foregoing is true and correct.

November 2, 2022
Date

Carlos Robles
Type Name

/s/ Carlos Robles
Signature